

§ 7A-57. Recall of active and emergency trial judges who have reached mandatory retirement age.

Superior and district court judges retired because they have reached the mandatory retirement age, and emergency superior and district court judges whose commissions have expired because they have reached the mandatory retirement age, may be recalled to preside over regular or special sessions of the court from which retired under the following circumstances:

- (1) The judge must consent to the recall.
- (2) The Chief Justice is authorized to order the recall.
- (3) Prior to ordering recall, the Chief Justice shall be satisfied that the judge is capable of efficiently and promptly discharging the duties of the office to which recalled.
- (4) Jurisdiction of a recalled retired superior court judge is as set forth in G.S. 7A-48, and jurisdiction of a recalled retired district court judge is as set forth in G.S. 7A-53.1.
- (5) Orders of recall and assignment shall be in writing and entered upon the minutes of the court to which assigned.
- (6) Compensation of recalled retired trial judges is the same as for recalled emergency trial judges under G.S. 7A-52(b).
- (7) Recalled emergency judges who served as a senior business court judge and whose commission expired upon reaching the mandatory retirement age may be recalled by the Chief Justice and assigned to hear and decide complex business cases as a senior business court judge for up to five years from the issuance date of their commission under G.S. 7A-53.
- (8) The emergency judge is listed as active on the list described in G.S. 7A-52(a). This does not apply to an emergency judge who qualifies under subdivision (7) of this section. (1981, ch. 455, s. 4; 2016-91, s. 4; 2017-57, s. 18B.11(c).)